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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,587	10/18/2001	Masayuki Shibata	D-1170	5211

7590 06/18/2003
KANESAKA AND TAKEUCHI
1423 Powhatan Street
Alexandria, VA 22314

EXAMINER

TSAL, CAROL S W

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,587

Applicant(s)

SHIBATA, MASAYUKI

Examiner

Carol S Tsai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,704,366 to Tacklind et al.

Tacklind et al. disclose a measurement data controlling device for storing and controlling measurement data in a measurement system including a plurality of measurement devices, comprising (see Fig. 1 and col. 5, lines 19-63): a memory (RAM 42 shown on Fig. 3) formed in each measurement device, and means (micro-controller 40 shown on Fig. 3) for preparing a main file having a plurality of predetermined areas for storing measured data, identifying data for identifying a measuring device from other measuring devices, and time identifying data for identifying date-and-time when a measurement is carried out in said each measurement device, said main file being stored in the memory as one file unit (see col. 6, lines 27-61).

As to claims 2 and 3, Tacklind et al. also disclose preparing means further prepares a file allocation table attached to the main file containing a file name and preparation time of the main file, to be used in operating the main file (see col. 6, lines 41-46).

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As to claim 5, Tacklind et al. also disclose comprising a communication line connected to said plurality of measurement devices, and a file server connected to the communication line (see Fig. 1 and col. 5, lines 47-63).

As to claim 6, Tacklind et al. also disclose measurement device being an analyzer of a material (see col. 5, line 64 to col. 6, line 15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tacklind et al. in view of U. S. Patent No. 6,278,890 to Chassaing et al.

As noted above, Tacklind et al. disclose the claimed invention, except for preparing means further prepares error detection data for the measured data, identifying data and time identifying data, which are attached to the main file.

Chassaing et al. teach preparing means further prepares error detection data for the measured data, identifying data and time identifying data, which are attached to the main file (see col. 14, lines 36-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tacklind et al.'s system to include preparing means further prepares error detection data for the measured data, identifying data and time identifying data,

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which are attached to the main file, as taught by Chassaing et al., in order that error data with time stamp can be further analyzed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hosaka et al. disclose an automated system having a monitor computer, which is for remote monitoring and/or analysis of control information of an input/output control device connected to a production facility, a control computer for controlling the processes of operation of the production facility via the input/output control device, and a dual-port memory as an information transmission unit capable of transmitting the control information between the monitor computer and the control computer at a timing that is independent of control of the processes of operation, which is capable of real-time reading/writing to/from all or a part of a memory of the control computer and is written, workpiece-related data, such as status of operation, results of measurement and flags representing the sequence flow information on a per-workpiece basis or per-process basis.

Baker et al. disclose a data analysis computer system storing measurement data obtained from a multiplicity of distinct predefined processes.

Lane et al. disclose a system and method for computer control of machine processes.

Swanson discloses a solid state electricity demand recorder being controlled by a programmable microprocessor to obtain energy demand survey and billing data.

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Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. Tsai

05/18/03


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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